

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

MARY CAGE TARVER STEVENSON, also
known as Mary K. Stevenson, as Trustee of
the James E. Stevenson Family Trust; JAMES
E. STEVENSON III; and SHARYN
STEVENSON

PLAINTIFFS

v.

No. 3:19-cv-208-DPM

RONALD CAPPS JR.;
and all persons claiming an interest in real property
described herein, located in the Chickasawba
District of Mississippi County, Arkansas

DEFENDANTS

ORDER

1. Capps's motion to dismiss for lack of personal jurisdiction, No. 3, is denied without prejudice. Arkansas's long-arm statute reaches as far as the Due Process Clause allows. ARK. CODE ANN. § 16-4-101(B). Viewing the entire record in the light most favorable to the Stevensons, they've made a *prima facie* showing that this Court has jurisdiction over Capps, a Tennessean, in this dispute. *Dakota Industries, Inc. v. Dakota Sportswear, Inc.*, 946 F.2d 1384, 1387 (8th Cir. 1991). The Stevensons' affidavits and maps indicate that the Musgrave Bar—the disputed island in the Mississippi River—is in Arkansas. Capps has guided hunts for ducks and other waterfowl near the island, which he says is in Tennessee, for decades. He recently cleared some willow trees and

brush for a blind on the island. Both the Stevensons and Capps claim ownership of the Musgrave Bar. All this creates a strong link between Arkansas and the controversy. *Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County*, 137 S. Ct. 1773, 1781 (2017); *Dever v. Hentzen Coatings, Inc.*, 380 F.3d 1070, 1073–74 (8th Cir. 2004). At this point, the weight of the jurisdiction-related evidence favors the Stevensons. Because the personal jurisdiction issue is so intertwined with the merits, though, the Court will revisit the former when it decides the latter.

2. The Court will hold a hearing on the motion for preliminary injunction as supplemented, *No 9 & 10*, on 19 September 2019 at 9:00 a.m. at the Gathings Federal Building, 615 South Main Street, Jonesboro, Arkansas in courtroom 324. Each side will have two hours to present evidence and argument. Exchange hearing exhibits, and deliver copies (paper and electronic) to chambers in Jonesboro, on 17 September 2019.

3. The Stevensons' unopposed motion for leave to file an amended petition, *No 11*, is granted. *No 11-1* is deemed filed today. Capps's response is due by 27 September 2019.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

12 September 2019
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